



AUSTIN CITY COUNCIL  
MINUTES

REGULAR MEETING  
THURSDAY, AUGUST 9, 2007

Invocation: Deacon Ralph Arevalo, St. Julia's Catholic Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, August 9, 2007 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:25 a.m.

CONSENT AGENDA

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Martinez' motion, Council Member Cole's second on a 7-0 vote.

1. Approval of the minutes of the Austin City Council from the regularly scheduled and special called meeting of July 26, 2007.  
**The minutes from the regular and special called meetings of July 26, 2007 were approved.**
2. Approve an ordinance amending Chapter 6-4 of City Code relating to water use management, incorporating recommendations from the Water Conservation Task Force, to become effective October 1, 2007. The twice-a-week watering schedule was recommended by the Water and Wastewater Commission.  
**Ordinance No. 20070809-002 was approved.**

Item 3 was pulled for discussion.

4. Approve an ordinance repealing City Code Chapter 12-4, "Speed Limits"; adopting a new Chapter 12-4 to reformat current City Code provisions regarding speed limits, and to delete obsolete provisions regarding minimum speed limits and certain construction speed zones; and adopting a savings clause.  
**Ordinance No. 20070809-004 was approved.**
5. Approve an ordinance on second reading to grant a non-emergency medical transfer franchise to Acadian Ambulance Service, Inc. under Chapter 10-2 of the City Code. Recommended by the Austin-Travis County EMS Advisory Board.  
**Ordinance No. 20070809-005 was approved.**
6. Approve an ordinance authorizing acceptance of \$593,309 in grant funds from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES, Austin, TX and amending the Fiscal Year 2006-2007 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance No. 20060911-001, to appropriate \$593,309 for a total grant amount of \$1,173,309 for HIV/AIDS health education and prevention services, and creating two new full-time equivalent grant positions. Funding is available from the Texas Department of State Health Services, Infectious Disease and Control Branch,

Bureau of HIV and STD Prevention, Austin, TX. The grant period is September 1, 2007 through December 31, 2008. No City match is required.

**Ordinance No. 20070809-006 was approved.**

7. Approve an amendment to the outside counsel contract with Scott, Douglass & McConnico, LLP, Austin, TX. In the amount of \$200,000 for legal counsel concerning development at Northcross Mall including legal services related to cause of action no. D-1-GN-07-001957, Responsible Growth For Northcross, Inc. v. The City of Austin, Lincoln Property Company Commercial, Inc., and Lincoln Northcross, LTD.; and cause of action no. D-1-GN-07-002012, Allandale Neighborhood Association v. The City of Austin, Lincoln Property Company Commercial, Inc., and Lincoln Northcross, LTD. (concerning site plan approvals by the City) for a total contract amount not to exceed \$424,000. Funding is available in the Liability Reserve Fund.  
**The motion authorizing an amendment to the outside counsel contract with Scott, Douglass and McConnico, LLP was approved.**
8. Approve an ordinance rejecting the 1985 proposed dedication of public right-of-way and accepting a dedication of approximately .63 acres of additional parkland easements and alternate right-of-way access and parking facilities for the Walnut Creek Greenbelt located at the mouth of Walnut Creek at the Colorado River adjacent to Delwau Lane approximately 1/2 mile east of US 183.  
**This item was postponed to August 23, 2007 at the staff's request.**
9. Authorize the use of Lady Bird Lake (formerly known as Town Lake) for two water events associated with the Flugtag landing and the Austin Triathlon open water swim to be held on August 25, 2007 and September 3, 2007 respectively. There is no unanticipated fiscal impact. A fiscal note is not required.  
**The motion authorizing the use of Lady Bird Lake (formerly known as Town Lake) for two water events was approved.**
10. Approve a resolution authorizing the fee simple acquisition of Lot 2, Block H, Onion Creek Forest, Section 2, Amended Plat, a subdivision in Travis County, Texas, located at 6900 Onion Crossing Drive, Austin, Texas, from Nina Hellums for the Onion Creek Voluntary Flood Buyout-FEMA-1606-DR Project for the land and improvements for a total amount not to exceed \$52,000. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Watershed Protection and Development Review Department.  
**Resolution No. 20070809-010 was approved.**
11. Approve a resolution authorizing the fee simple acquisition of Lot 6, Block H, Onion Creek Forest, Section 2, Amended Plat, a subdivision in Travis County, Texas, located at 6908 Onion Crossing Drive, Austin, Texas, from Norman Daniel Hunt Individually and Independent Executor of the Estate of Macaria Avila Hunt for the Onion Creek Voluntary Flood Buyout-FEMA-1606-DR Project for the land and improvements for a total amount not to exceed \$50,000. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Watershed Protection and Development Review Department.  
**Resolution No. 20070809-011 was approved.**
12. Approve a resolution authorizing the fee simple acquisition of Lot 3, Block M, Onion Creek Forest, Section 2, a subdivision in Travis County, Texas, according to the map or plat of record in Volume 68, Page 54, of the Plat Records of Travis County, Texas, located at 5403 Vine Hill Drive, Austin Texas, from Maria Teresa Manzo for the Onion Creek Voluntary Flood Buyout-FEMA-1606-DR Project, in the amount of \$45,000 for the land and improvements and \$31,500 in owner assisted relocation benefits, plus moving related expenses not to exceed \$10,000, for a total amount not to exceed \$86,500. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Watershed Protection and Development Review Department.  
**Resolution No. 20070809-012 was approved.**

13. Approve a resolution authorizing the fee simple acquisition of Lot 10, Block N, Onion Creek Forest, Section 2, Amended Plat, a subdivision in Travis County, Texas, located at 5701 Vine Hill Drive, Austin, Texas, from Juan Ramirez for the Onion Creek Voluntary Flood Buyout-FEMA-1606-DR Project, in the amount of \$70,000 for the land and improvements and \$59,000 in owner assisted relocation benefits, plus moving related expenses not to exceed \$10,000 for a total amount not to exceed \$139,000. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Watershed Protection and Development Review Department.  
**Resolution No. 20070809-013 was approved.**
14. Approve a resolution authorizing the fee simple acquisition of Lots 18 and 19, Block J, Onion Creek Forest, Section 2, a subdivision in the Plat Records of Travis County, Texas, located at 6901 Onion Crossing Court, Austin Texas, from William O. and Shirley Schramm for the Onion Creek Voluntary Flood Buyout-FEMA-1606-DR Project, in the amount of \$115,000 for the land and improvements and \$29,900 in owner assisted relocation benefits, plus moving related expenses not to exceed \$10,000, for a total amount not to exceed \$154,900. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Watershed Protection and Development Review Department.  
**Resolution No. 20070809-014 was approved.**
15. Approve a resolution authorizing the fee simple acquisition of Lot 10, Block D, Onion Creek Forest, Section 2, Amended Plat, a subdivision in Travis County, Texas, located at 6904 Thatch Lane, Austin, Texas, from Debby Wolverton for the Onion Creek Voluntary Flood Buyout-FEMA-1606-DR Project, in the amount of \$60,000 for the land and improvements and \$29,900 in owner assisted relocation benefits, plus moving related expenses not to exceed \$10,000, for a total amount not to exceed \$99,900. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Watershed Protection and Development Review Department.  
**Resolution No. 20070809-015 was approved.**
16. Approve a resolution authorizing the fee simple acquisition of Lot 40, Block E, of Yarrabee Bend South, Section 1, a subdivision in Travis County, Texas, located at 7306 Dixie Drive, Austin, Texas, from Bill A. Zileski, AKA William A. Zileski, for the Streambank Restoration and Erosion Management Program, in the amount of \$130,000 for the land and improvements and \$22,500 in owner assisted relocation benefits, plus moving related expenses not to exceed \$10,000, for a total amount not to exceed \$162,500. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Watershed Protection and Development Review Department.  
**Resolution No. 20070809-016 was approved.**
17. Approve an ordinance authorizing the City Manager to transfer certain real property at 3501 Webberville Road to the Austin Housing Finance Corporation for the development of affordable residential housing.  
**Ordinance No. 20070809-017 was approved.**
18. Approve an ordinance authorizing the City Manager to transfer certain real property at 2412 Bryan Street and 2414 Bryan Street to the Austin Housing Finance Corporation for the development of affordable residential housing.  
**Ordinance No. 20070809-018 was approved.**
19. Approve a resolution authorizing the negotiation and execution of a Multiple Use Agreement with the Texas Department of Transportation for the use of right-of-way along MoPac Expressway adjacent to Zilker Park. Recommended by the Parks and Recreation Board; the Urban Transportation Commission; and, the Planning Commission.  
**Resolution No. 20070809-019 was approved.**

20. Authorize execution of a construction contract with AUSTIN FILTER SYSTEMS, INC., Austin, TX, for Fort Branch Creek Channel Restoration - Westminster Drive to Manor Road in the amount of \$3,667,926 plus a \$183,396 contingency, for a total contract amount not to exceed \$3,851,322. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Watershed Protection and Development Review Department. Only one bid received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). 12.389% MBE and 13.290% WBE subcontractor participation.  
**The motion authorizing the execution of a construction contract with Austin Filter Systems, Inc. was approved.**
21. Authorize execution of a construction contract with MUNIZ CONCRETE AND CONTRACTING, INC. (MBE/MH 92.19%), Austin, TX, for the 2007 Miscellaneous Bridge Maintenance Project in an amount not to exceed \$446,554. Funding is available in the Fiscal Year 2006-2007 Operating Budget of the Public Works Department. Lower of two bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts of 0.00% MBE and 7.81% WBE subcontractor participation.  
**The motion authorizing the execution of a construction contract with Muniz Concrete and Contracting, Inc. was approved.**
22. Authorize negotiation and execution of a professional services agreement with STANLEY CONSULTANTS, INC., Austin, TX, for engineering services for Austin Energy's transmission, substation, distribution, planning, project management, operations, real estate, and network engineering groups for an estimated period of three years or until financial authorization is expended, in an amount not to exceed \$1,000,000 per year, for a total contract amount not to exceed \$3,000,000. Funding in the amount of \$2,500,000 (35% Transmission, 25% Distribution Substation, and 40% Distribution) is available in the Fiscal Year 2006-2007 Capital Budget of Austin Energy. Funding for the remaining \$500,000 is contingent upon available funding in future Operating Budgets. Best qualification statement of five statements received. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) by meeting the goals with 16.5% MBE and 14.2% WBE subconsultant participation. Recommended by the Electric Utility Commission.  
**The motion authorizing the negotiation and execution of a professional services agreement with Stanley Consultants, Inc. was approved.**
23. Authorize negotiation and execution of a professional services agreement with the following 18 firms: MCGRAY and MCGRAY LAND SURVEYORS, INC. (WBE/FR 69.30%), Austin, TX; SURVEYING and MAPPING, INC., Austin, TX; MWM DESIGN GROUP (MBE/MH 69.30%), Austin, TX; MACIAS and ASSOCIATES, L.P. (MBE/MH 69.30%), Austin, TX; LANDMARK SURVEYING, INC. (WBE/FR), Austin, TX; CARTER and BURGESS, INC., Austin, TX; C. FAULKNER ENGINEERING, Austin, TX; ZAMORA-WARRICK and ASSOCIATES, L.L.C. (MBE/MH 69.30%), Austin, TX; BAKER-AICKLEN and ASSOCIATES, INC., Cedar Park, TX; PBS and J, Austin, TX; I.T. GONZALEZ ENGINEERS, (MBE/MH 69.30%), Austin, TX; BURY+PARTNERS, INC., Austin, TX; LENZ and ASSOCIATES, INC., Austin, TX; CANALES, MARTINEZ and NASH SURVEYING CO. (MBE/MH 69.30%), Austin, TX; SURVCON, INC., Austin, TX; RODS SURVEYING, INC., Austin, TX; THE WALLACE GROUP, Austin, TX; and TERRA FIRMA LAND SURVEYING, Austin, TX for surveying services for a period of two years or until financial authorization is expended, in an amount not to exceed \$3,000,000, with a total of the 18 agreements not to exceed \$3,000,000. Funding is available in the Fiscal Year 2006-2007 Capital Budget and/or Operating Budget of the Public Works Department and various other departments for which services are needed. Best eighteen qualification statements of twenty-four statements received. This contract will be awarded in compliance with Chapter 2-9B of the

City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) by meeting the goals of 16.5% MBE and 14.2% WBE subconsultant participation.

**This item was withdrawn.**

24. Authorize execution of Amendment No. 5, with ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE (ESRI), INC., Redlands, CA, to increase the contract for the purchase of a software license for Mobile Mapping in an amount not to exceed \$160,012, for a revised estimated contract amount not exceed 2,140,738.75. Funding is available in the fiscal Year 2006-2007 Capital Budget for Austin Energy. Contract Amendment. This purchase will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. **The motion authorizing the execution of amendment number 5 with Environmental Systems Research Institute (ESRI), Inc. was approved.**
25. Authorize award, negotiation, and execution of a 12-month requirements service contract with ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE (ESRI), INC., Redlands, CA, for the purchase of technical services, annual maintenance and support, and implementation services in an estimated amount not to exceed \$634,819, with four 12-month extension options in an estimated amount not to exceed \$40,000 per extension, for a total estimated contract amount not to exceed \$794,819. Funding in the amount of \$634,819 is available in the Fiscal Year 2006-2007 Capital Budget for Austin Energy. Funding for the extension options is contingent upon available funding in future budgets. Best evaluated proposal of four proposals received. This purchase will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. **The motion authorizing the award negotiation and execution of a requirements service contract with Environmental Systems Research Institute (ESRI), Inc. was approved.**
26. Authorize award and execution of a 24-month requirements supply contract with POWER SUPPLY, Austin, TX, for electrical maintenance supplies in an estimated amount not to exceed \$106,070, with two 12-month extension options in an estimated amount not to exceed \$53,035 per extension option, for a total estimated contract amount not to exceed \$212,140. Funding in the amount of \$8,840 is available in the Fiscal Year 2006-2007 Operating Budget of the Austin Energy Department. Funding for the remaining 22 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid meeting specification of six bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. **The motion authorizing an award and execution of a requirements supply contract with Power Supply was approved.**
27. Authorize award and execution of Amendment No. 1 to a contract with TECHLINE, LTD, Austin, TX for 3-phase dead front switchgear to increase the current contract term in an estimated amount not to exceed \$274,944, and increase each of the two remaining 12-month extension options in an estimated amount not to exceed \$137,472 per extension option, for a revised total estimated contract amount not to exceed \$1,099,776. Funding in the amount of \$34,368 is available in the Fiscal Year 2006-2007 Operating Budget of the Austin Energy Department. Funding for the remaining 21 months of the original contract period and extension options is contingent upon available funding in future budgets. Contract Amendment. This contract was awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. **The motion authorizing an award and execution of amendment number 1 to a contract with Techline, Ltd was approved.**

28. Authorize award and execution of a contract through the State of Texas Multiple Award Schedule (TXMAS), with SIMPLEX GRINNELL, Austin, TX for the design, installation, and maintenance of the security and fire alarm system at the Rutherford Lane Campus in an amount not to exceed \$143,264. Funding is available in the Fiscal Year 2006-2007 Capital Improvement Project Fund of the Finance and Administrative Services Department, Building Services Division. Cooperative Purchase. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 252.022 of the Texas Local Government Code and no goals were established for this solicitation.  
**The motion authorizing the award and execution of a contract through the State of Texas Multiple Award Schedule (TXMAS) with Simplex Grinnell was approved.**
29. Authorize execution of a two- year Interlocal Agreement with the State of Texas, General Land Office (GLO) to supply natural gas to the City in an estimated amount of \$240,000 per year with options to extend for subsequent biennial periods. Funding in the estimated amount of \$20,000 is available in the Fiscal Year 2006-2007 Operating Budgets of various City departments. Future funding is contingent upon available funding in future budgets. Interlocal Agreement. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is an Interlocal Agreement; therefore, it is exempted under Chapter 252.022 of the Texas Local Government Code and no goals were established for this solicitation.  
**The motion authoring the execution of an interlocal agreement with the State of Texas General Land Office (GLO) was approved.**
30. Authorize execution of a contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) with L.D. TEBBEN CO. INC., Austin, TX, for the repair and replacement of the roof at Doris Miller Auditorium building in an amount not to exceed \$114,994. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Parks and Recreation Department. Cooperative Purchase. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 252.022 of the Texas Local Government Code and no goals were established for this solicitation.  
**The motion authorizing the execution of a contract through the Texas Local Government Purchasing Cooperative (Buyboard) with L.D. Tebben Co. Inc. was approved.**
31. Authorize execution of a 24-month supply agreement through the United States General Services Administration's State and Local Law Enforcement Equipment Procurement Program (1122 Program) with DEFENSE ENERGY SUPPORT CENTER (DESC), Lackland Air Force Base, TX, for the purchase of aircraft fuel for the Austin Police Department (APD) in an amount not to exceed \$120,000 with the option to renew for successive 1-year terms. Funding in the amount of \$10,000 is available in the Fiscal Year 2006-2007 Operating Budget of the Austin Police Department. Funding for the remaining twenty-two months of the original contract period and extension options is contingent upon available funding in future budgets. Cooperative Purchase. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 252.022 of the Texas Local Government Code and no goals were established for this solicitation.  
**The motion authorizing the execution of a supply agreement through the United States General Services Administration's State and Local Law Enforcement Equipment Procurement Program (1122 Program) with Defense Energy Support Center (DESC) was approved.**

Item 32 was pulled for discussion.

33. Approve appointments to citizen board and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.  
**The following appointments were made:**

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>Austin Community Technology and Telecommunications Commission</u>		
Arthur Sampson	Council Member Cole's	Appointment
Lemuel Williams, Jr.	Mayor Pro Tem Dunkerley's	Appointment
<u>Occupancy Limits Task Force</u>		
Mary Patrick	Council Member Kim's	Appointment
<u>Urban Forestry Board</u>		
Ryan Fleming	Council Member Martinez'	Appointment
<u>Zoning and Platting Commission</u>		
Stephanie Hale	Council Member Cole's	Appointment
Keith B. Jackson	Council Member McCracken's	Reappointment

34. Set a public hearing to receive public comment on the profile of a new City Manager (Suggested date and time: August 23, 2007, 6:00 p.m., Austin City Hall, 301 W. Second Street, Austin, TX). (Mayor Will Wynn Mayor Pro Tem Betty Dunkerley )  
**The public hearing was set for August 23, 2007, 6:00 p.m., Austin City Hall, at 301 W. Second Street, Austin, Texas.**

**Items 35 through 37 were pulled for discussion.**

38. Approve an ordinance amending the City Code to add Chapter 4-11 relating to establishments that are not licensed by the Texas Alcoholic Beverage Commission and which are known as Bring Your Own Bottle (BYOB) establishments, providing for criminal and civil penalties, and amending Ordinance No. 20060911-004 to add a BYOB venue permit fee. (Council Member Sheryl Cole Mayor Will Wynn Council Member Mike Martinez)  
**This item was withdrawn.**

**Item 39 was pulled for discussion.**

40. Set a public hearing to consider an appeal by Gavino Fernandez of the Planning Commission's decision to approve a conditional use permit for a cultural center located at 209 Pedernales St. (Site Plan Number: SPC-06-0039A). (Suggested date and time: August 23, 2007, 6:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX). Planning Commission recommended the Conditional Use Permit and the Compatibility Waiver.  
**The public hearing was set for August 23, 2007, 6:00 p.m., Austin City Hall, at 301 W. Second Street, Austin, Texas.**

**Item 41 was reconsidered later in the meeting.**

61. Approve an ordinance amending the City Code to add Chapter 4-11 relating to establishments that are not licensed by the Texas Alcoholic Beverage Commission and which are known as Bring Your Own Bottle (BYOB) establishments and providing for criminal and civil penalties; amending Ordinance No. 20060911-004 to add a BYOB venue permit fee; prescribing regulations for BYOB establishments for the

time period before Chapter 4-11 takes effect; and declaring an emergency. (Council Member Sheryl Cole Mayor Will Wynn Council Member Mike Martinez)  
**Ordinance No. 20070809-061 was approved.**

Items 42 through 47 were Executive Session items.

Item 48 was a briefing item set for 2:00 p.m.

Items 49 through 58 were zoning items set for 4:00 p.m.

Items 59 and 60 were public hearings set for 6:00 p.m.

### DISCUSSION ITEMS

36. Approve a resolution directing the City Manager to study the feasibility of providing comparable facilities for both men and women at each Austin Fire Department station. (Council Member Mike Martinez Mayor Pro Tem Betty Dunkerley and Council Member Sheryl Cole)  
**Resolution No. 20070809-036 was approved Council Member Martinez' motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.**
32. Approve an ordinance on the first reading only granting a franchise agreement to ATMOS Energy Corporation to provide natural gas distribution services. Anticipated revenue is dependent on final terms of the franchise agreement.  
**The first reading of the ordinance including the 5% franchise fee was approved on Council Member Leffingwell's motion, Council Member Martinez' second on a 6-0 vote. Council Member McCracken was off the dais.**
3. Approve a resolution adopting a maximum proposed ad valorem tax rate of \$0.4034 cents per \$100 taxable value that the City Council will consider for Fiscal Year 2007-2008; and setting the date that the Council will adopt the Fiscal Year 2007-2008 ad valorem tax rate (Suggested dates are Monday, September 10, 2007, Tuesday, September 11, 2007, or Wednesday, September 12, 2007); (Related to item #39)  
**Resolution No. 20070809-003 was approved as follows. The maximum ad valorem tax rate was set at \$0.4034 cents per \$100.00 valuation on Mayor Pro Tem Dunkerley's motion, Council Member Leffingwell's second on a 7-0 roll call vote. The public hearings were set for 10:00 a.m. on Monday, September 10, 2007, Tuesday, September 11, 2007, or Wednesday, September 12, 2007, in the Council Chambers at Austin City Hall, 301 West 2<sup>nd</sup> Street, Austin, Texas on Mayor Pro Tem Dunkerley's motion, Council Member McCracken's second on a 7-0 vote.**
39. Set a public hearing on the proposed ad valorem tax rate for Fiscal Year 2007-2008 (Suggested dates and times: August 23, 2007 at 6:00 p.m. and August 30, 2007 at 6:00 pm, Austin City Hall, 301 W. Second St., Austin, TX). (Related to item #3)  
**The public hearings were set for August 23 and 30, 2007, 6:00 p.m., Austin City Hall, at 301 W. Second Street, Austin, Texas on Council Member McCracken's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.**

Mayor Wynn recessed the Council Meeting to go into Executive Session at 11:29 a.m.

### EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters

as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

Items 42 and 43 were discussed later in Executive Session.

- 44. Discuss legal issues related to Responsible Growth For Northcross, Inc. v. The City of Austin, Lincoln Property Company Commercial, Inc., and Lincoln Northcross, LTD., Cause No. D-1-GN-07-001957 in the 200th Judicial District Court, Travis County, Texas, and Allandale Neighborhood Association v. The City of Austin, Lincoln Property Company Commercial, Inc., and Lincoln Northcross, LTD., Cause No. D-1-GN-07-002012 in the 98th Judicial District Court, Travis County, Texas (concerns site plan approvals by the City for Northcross Mall) (Private Consultation with attorney - Section 551.071)  
**This item was withdrawn.**

Item 45 was discussed later in Executive Session.

- 46. Discuss legal issues related to the search for a new City Manager. (Private Consultations with Attorney - Section 551.071).  
**This item was withdrawn.**
- 47. Discuss personnel matters related to the search for a new City Manager (Personnel Matters - Section 551.074).  
**This item was withdrawn.**

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 12:15 p.m.

**CITIZEN COMMUNICATIONS: GENERAL**

Julia Dworschack - Austin Animal Issues

Marta Cotera - Support for Southwest Key Programs

Elizabeth Gonzales - Support for Southwest Key Programs **She was not present when her name was called.**

Erika Gonzalez - PODER'S Young Scholars for Justice - Please increase budget for Youth Services in East Austin

Leticia Fonseca - PODER'S Young Scholars for Justice - Please increase budget for Youth Services in East Austin

Carmen D. Llanes - Speaking with PODER's Young Scholars for Justice - Increase Youth Services in East Austin and support Southwest Key

Marcelo Tafoya spoke for Sal Cavazos - Support for Southwest Key Programs

Susana Almanza - Support PODER'S Young Scholars for Justice - Increase Youth Services. Support Southwest Key Programs. **She donated her speaking time to show a video.**

Librado Almanza - Increase Budget for Youth Services PODER'S Young Scholars for Justice. **He donated his speaking time to show a video.**

CarolAnneRose Kennedy - P E E I N G in rePUBLIC.CAN POOLS

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:48 p.m.

**EXECUTIVE SESSION CONTINUED**

42. Discuss legal issues related to arbitration of annexation issues under Texas Local Government Code Chapter 43, including arbitration of the annexation service plan for the Peninsula Annexation area (approximately 432 acres located west of Lake Austin, north of Bee Creek, and south of the intersection of Westlake Drive and Trailview Mesa); and the Strategic Partnership Agreement for Lost Creek Municipal Utility District (approximately 788 acres located in the vicinity of Loop 360 and Lost Creek Blvd.); and Lost Creek Municipal Utility District v. City of Austin, et al, Cause No. D-1-GN-001377, in the 126th Judicial District Court, Travis County (concerns issues related to water supply contract and annexation). (Private consultation with Attorney Section 551.071)
43. Discuss legal issues relating to the proposed agreement with the Lower Colorado River Authority (LCRA) regarding future water supplies and the settlement agreement between the City and LCRA executed June 18, 2007. (Private Consultation with Attorney - Section 551.071)
45. Discuss legal issues related to development under the Waterfront Overlay regulations in Title 25 of the City Code; and legal issues related to Savetownlake.Org v. City of Austin; Cause No. D-1-GN-0700596; in the 353rd Judicial District Court. (Private Consultation with Attorney - Section 551.071).

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 2:44 p.m.

**DISCUSSION ITEM CONTINUED**

35. Approve a resolution directing the City Manager to conduct a study to determine the possibility of a regional water treatment plant with the communities of Leander, Cedar Park and Round Rock and report to council within 30 days with a recommendation. (Council Member Mike Martinez Council Member Brewster McCracken Council Member Jennifer Kim)  
There was a motion by Council Member Martinez, seconded by Council Member Kim to approve the resolution.

The following substitute motion was approved on Council Member Leffingwell's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote as follows.

The City Manager was directed to:

- Delay construction of Water Treatment Plant 4 for not more than one year;
- Go forward with an environmental cumulative impact assessment and all other steps necessary to account for the probable listing of the Jollyville Salamander;
- Do a full review and re-examination of site selection criteria for a Lake Travis intake supplied water treatment plant;
- Re-examine previously reviewed sites, particularly Cortana, and examination of new sites in light of possible new site selection criteria; and
- Accelerate and enhance the City's water conservation program to ensure an adequate supply of water for the citizens of Austin in the meantime.

BRIEFINGS

48. Presentation of the Fiscal Year 2007-2008 Proposed Budget for the Community Services Departments, including the Parks and Recreation Department; the Library Department; the Health and Human Services Department; the Neighborhood Housing and Community Development Department; and, the Solid Waste Services Department.

The presentation was made by Bert Lumbreras, Assistant City Manager; Warren Struss, Director of Parks and Recreation Department; Brenda Branch, Director of Libraries; David Lurie, Director of Public Health; Paul Hilgers, Director of Housing and Community Development; and Willie Rhodes, Director of Solid Waste Services Department.

BOARD OF DIRECTORS MEETING OF AUSTIN HOUSING FINANCE CORPORATION.

Mayor Wynn called the Board of Director's Meeting of the Austin Housing Finance Corporation to order at 4:57 p.m. See separate minutes.

Mayor Wynn called the Council Meeting back to order at 5:02 p.m.

ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The public hearings were closed and consent items were approved on Council Member Leffingwell's motion, Council Member McCracken's second on a 6-0 vote. Council Member Cole was off the dais.

50. NPA-07-0014.01 - Grocer's Tract - Conduct a public hearing and approve an ordinance amending Ordinance No. 021010-11, the Southeast Combined Neighborhood Plan (Franklin Park), an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the future land use map (FLUM) from office to industrial for the property located at the intersection of Teri Road and Freidrich Lane (southwest corner) (Williamson Creek Watershed). Staff Recommendation: To deny industrial land use designation. Planning Commission Recommendation: To approve industrial land use designation. Applicant: Southpark Office Partner's, LTD. Agent: Jim Bennett. City Staff: Gregory Montes, 974-2629. **Ordinance No. 20070809-050 approving changes to the future land use map designations of industrial land use was approved.**
51. C14-2007-0073 - Grocer's Tract - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5015 South IH-35 Service Road Northbound and the Southwest corner of Teri Road and Freidrich Lane (Williamson Creek Watershed) from community commercial-neighborhood plan (GR-NP) combining district zoning; and limited office-neighborhood plan (LO-NP) combining district zoning to general commercial services-neighborhood plan (CS-NP) for Tract 1 and limited industrial service-conditional overlay-neighborhood plan (LI-CO-NP) combining district for Tract 2. Staff Recommendation: To deny general commercial services-neighborhood plan (CS-NP) combining district zoning for Tract 1; and to grant neighborhood commercial-neighborhood plan (LR-NP) combining district zoning for Tract 2. Planning Commission Recommendation: To grant general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning for Tract 1; and limited industrial service-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning for Tract 2. Applicant: Southpark Office Partners, Ltd. (Jamil Alam). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Walsh, 974-7719. **Ordinance No. 20070809-051 for general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning for Tract 1; and limited industrial service-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning for Tract 2 was approved with**

the removal of the prohibition of the 50 foot vegetative buffer along east property line and vehicle access prohibition to Freidrich Lane.

52. C14-2007-0085 - 8888 Tallwood - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8888 Tallwood Drive (Shoal Creek Watershed) from general commercial services (CS) district zoning to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Staff Recommendation: To grant general commercial services-mixed use (CS-MU) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Applicant: Tallwood Partners LPHM (Mac) Pike. Agent: Clark, Thomas & Winters, PC (John Joseph). City Staff: Jorge E. Rousselin, 974-2975. **Ordinance No. 20070809-052 for general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning was approved.**
54. C14-2007-0014 - Webb Estates - Conduct a public hearing and approve second/three readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4700 City Park Road, north of the intersection of City Park Road and Westminster Glen Avenue (Turtle Creek and West Bull Creek Watersheds) from development reserve (DR) district zoning to single-family residence-large lot-conditional overlay (SF-1-CO) combining district zoning with conditions. First reading approved on June 21, 2007. Vote: 6-0 (Mayor Wynn off the dais). Applicant: 4914 City Park Road (Letha Webb) and James Boamerges. Agent: Clark, Thomas & Winters, PC (John Joseph). City Staff: Jorge E. Rousselin, 974-2975. A valid petition has been filed in opposition to this rezoning request. **Ordinance No. 20070809-054 for rural residence conditional overlay (RR-CO) district zoning was approved with the following conditions. The conditions were as follows: 1) Any driveway, street, street right-of-way, cul-de-sac or cul-de-sac right-of-way shall be set back at least 15 feet from any residential lot within the Westminster Glen and River Place subdivisions. Within this setback, a vegetative buffer of native species shall be planted, if a vegetative buffer does not already exist, and 2) A trip limitation of 2,000 trips per day.**

### ZONING DISCUSSION ITEM

49. C14H-07-0005 - Bull House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2213 Windsor Road, East (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic (SF-3-H) combining district zoning. Staff recommendation: To grant family residence-historic (SF-3-H) combining district zoning. Historic Landmark Commission recommendation: To grant family residence-historic (SF-3-H) combining district zoning. Zoning and Platting Commission recommendation: To deny family residence-historic (SF-3-H) combining district zoning. Applicant: Historic Landmark Commission. Owners: Carlos and Aurora Tames. City Staff: Steve Sadowsky, 974-6454. **The public hearing was closed and the motion to deny historic zoning was approved on Mayor Pro Tem Dunkerley's motion, Council Member McCracken's second on a 7-0 vote.**

Mayor Wynn recessed the Council Meeting at 5:41 p.m.

### LIVE MUSIC

Gina Chavez

### PROCLAMATIONS

Proclamation -- Meet the Lender -- to be presented by Mayor Will Wynn and to be accepted by Rosy Jalifi

Proclamation -- Home Movie Day -- to be presented by Mayor Will Wynn and to be accepted by Snowden Becker

Proclamation -- Capital City Lions Club 40th Anniversary --to be presented by Mayor Will Wynn and to be accepted by Lions Club members

Distinguished Service Awards -- Heroes of the 1966 UT Tower Incident -- to be presented by Mayor Will Wynn and to be accepted by the honorees and families

Proclamation -- Stop on Red Week -- to be presented by Council Member Jennifer Kim and to be accepted by representatives of Public Works and the Austin Police Department

Distinguished Service Award -- Ann Ciccolella, Zachary Scott Theatre -- to be presented by Council Member Mike Martinez and to be accepted by the honoree

**Mayor Wynn called the Council Meeting back to order at 6:38 p.m.**

41. Set a public hearing to consider an appeal by Bill Bunch, representing the Save Our Springs Alliance, of the Zoning and Platting Commission's decision to approve a Conditional Use Site Plan Permit, to allow construction of water quality and drainage improvements on a site greater than one acre in size in P-Public zoning located at 7701 River Place Boulevard, SPC-2007-0290C, Water Treatment Plant #4 (Suggested date and time: August 30, 2007, 6:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX). Zoning and Platting Commission approved staff recommendation to allow the construction of ponds for water quality and drainage and associated improvements.  
**The public hearing was set for October 11, 2007, 6:00 p.m., Austin City Hall, at 301 W. Second Street, Austin, Texas.**

**A motion to reconsider Item 41 was approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 6-0 vote. Council Member Cole was off the dais.**

**This item was postponed indefinitely and removed from the agenda on Council Member McCracken's motion, Council Member Leffingwell's second on a 6-0 vote. Council Member Cole was off the dais.**

#### **ZONING DISCUSSION ITEMS CONTINUED**

53. C14H-06-0044 - Leonidas W. Payne, Jr. House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2104 Pearl Street (Shoal Creek Watershed) from multi-family residence-moderate-high density-neighborhood plan (MF-4-NP) combining district zoning to multi-family residence-moderate-high density-historic-neighborhood plan (MF-4-H-NP) combining district zoning. Staff Recommendation: To grant multi-family residence-moderate-high density-historic-neighborhood plan MF-4-H-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant multi-family residence-moderate-high density-historic-neighborhood plan (MF-4-H-NP) combining district zoning. Planning Commission Recommendation: To grant multi-family residence-moderate-high density-historic-neighborhood plan (MF-4-H-NP) combining district zoning. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, 974-6454.  
**This item was postponed to August 30, 2007 at the staff's request on Council Member Leffingwell's motion, Council Member Martinez' second on a 6-0 vote. Council Member Cole was off the dais.**

PUBLIC HEARINGS AND POSSIBLE ACTIONS

60. Conduct a public hearing and consider an ordinance nominating a proposed Otis Spunkmeyer production expansion facility located at 6315 East Stassney Lane, Austin, Texas, for designation by the Governor's Office of Economic Development and Tourism as an Enterprise Project in accordance with Texas Government Code Chapter 2303 ("Texas Enterprise Zone Act").  
The public hearing was closed and Ordinance 20070809-060 was approved on Council Member McCracken's motion, Mayor Pro Tem Dunkerley's second on a 6-0 vote. Council Member Cole was off the dais.

The motion to waive the rules and allow Council to meet after 10 p.m. was approved on Council Member Kim's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.

ZONING DISCUSSION ITEMS CONTINUED

55. NP-2007-023 - Conduct a public hearing and approve an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the University Hills/Windsor Park Combined Neighborhood Plan. The combined planning area is bounded by IH-35 on the west, Highway 290 on the north, Highway 183 on the east and Manor Road and East 51st Street on the south. Reviewed by Planning Commission.  
The public hearing was closed and Ordinance No. 20070809-055 adopting the University Hills/Windsor Park Combined Neighborhood Plan and the text edits proposed by the University Hills Neighborhood Association, and the Future Land Use Map, with the exception of tracts 202, 210, 211, 213, 215, 220, 220a, and 222 in the University Hills Neighborhood Planning Area, and tracts 6, 16, 22, 29, 30, 32-37, 44, 48-50, 54, 55, 57-61, 63, 67, 72, 77, 79, 84, 87, 88, 89, 91 and 92 in the Windsor Park Neighborhood Planning Area, was approved on Council Member Kim's motion, Mayor Pro Tem Dunkerley's second on a 5-0 vote. Council Members Leffingwell and Martinez were off the dais.

Tract 202 was reconsidered later in the meeting.

The motion to close the public hearing and amend on first reading the future land use map for Tract 210 (2.828 Acre Tract of ABS 258 SUR 26 Tannehill JC; 4.798 Acre Tract of ABS SUR 29 Tannehill JC) to Mixed Use was approved on Council Member Martinez's motion, Council Member Kim's second on a 7-0 vote.

The motion to close the public hearing and amend on three readings the future land use map for Tract 211 (10.369 Acre Tract of ABS 22 SUR 29 Tannehill JC; Lot 1B of the Bluffs at University Hills Resubdivision of Lot 1, Block B) to Higher Density Single Family Residential was approved on Council Member McCracken's motion, Council Member Cole's second on a 7-0 vote.

The motion to close the public hearing and amend on three readings the future land use map for Tract 222 (approximately a 600 foot by 600 foot portion of the 10.369 acre tract of ABS 22 SUR 29 Tannehill JC) to Commercial was approved on Council Member McCracken's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.

The motion to close the public hearing and amend on three readings the future land use map for Tract 213 (4720 Loyola Lane) to Mixed Use was approved on Council Member Kim's motion, Council Member McCracken's second on a 7-0 vote.

The motion to close the public hearing and amend on three readings the future land use map for Tract 215 (4701 Loyola Lane) to Mixed Use was approved on Council Member Kim's motion, Council Member McCracken's second on a 6-1 vote. Council Member Martinez voted nay.

The motion to postpone action on Tract 220 (5301 Loyola Lane) to August 23, 2007 was approved on Mayor Pro Tem Dunkerley's motion, Council Member Leffingwell's second on a 7-0 vote.

The motion to postpone action on Tract 220a (a 976 foot by 367 foot portion of 5301 Loyola Lane) to August 23, 2007 was approved on Mayor Pro Tem Dunkerley's motion, Council Member Leffingwell's second on a 7-0 vote.

The motion to close the public hearing and amend on three readings the future land use map for Tract 16 (1200 Ridgehaven Drive 5701 Cameron Road) to Civic was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

The motion to close the public hearing and amend on three readings the future land use map for Tract 29 (1207 East 52<sup>nd</sup> Street) to Multi-Family was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

The motion to close the public hearing and amend on three readings the future land use map for Tract 30 (1306-1312 East 52<sup>nd</sup> Street (even numbers)) to Higher-Density Single Family Residential was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

The motion to close the public hearing and amend on three readings the future land use map for Tract 33 (5106 – 5114 Lancaster Court (even numbers)) to Office Mixed Use was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

The motion to close the public hearing and amend on three readings the future land use map for Tract 34 (5105-5111 Lancaster Court (odd numbers)) to Office Mixed Use was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

The motion to amend on three readings the future land use map for Tract 36 (1316 East 51<sup>st</sup> Street) to Civic was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

The motion to close the public hearing and amend on three readings the future land use map for Tract 58 (1712 Wheless Lane) to Higher Density Single Family Residential was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

The motion to close the public hearing and amend on three readings the future land use map for Tract 59 (6207 Berkman Drive) to Higher Density Single Family Residential was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

The motion to close the public hearing and amend on three readings the future land use map for Tract 60 (6305, 6309 Berkman Drive) to Higher Density Single Family Residential was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

The motion to close the public hearing and amend on three readings the future land use map for Tract 61 (6405, 6409, 6501 Berkman Drive) to Higher Density Single Family Residential was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote .

The motion to close the public hearing and amend on three readings the future land use map for Tract 67 (1806 Patton Lane) to Civic was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

The motion to close the public hearing and amend on three readings the future land use map for Tract 87 (2201-2213 Old Manor Road (odd numbers)) to Mixed Use was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

The motion to close the public hearing and amend on three readings the future land use map for Tract 91 (5807 Coventry Lane) to Higher Density Single Family Residential was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

The motion to close the public hearing and amend on three readings the future land use map for Tract 32 (Lot 2A of a Resubdivision of Lot 2 of a Resubdivision of Lots 3 and 4 of Ridgeway Gardens, 1200 East 51<sup>st</sup> Street, 1200-1218 East 51<sup>st</sup> Street (even numbers)) to Mixed Use was approved on Council Member Martinez' motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.

The motion to close the public hearing and amend on three readings the future land use map for Tract 84 (2500-2507 Manor Circle) to Multi-family was approved on Council Member Martinez' motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.

The motion to close the public hearing and amend on three readings the future land use map for Tract 57 (1701 and 1711 Wheelless Lane, 1718 Briarcliff Boulevard) to Civic was approved on Council Member Leffingwell's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.

The motion to close the public hearing and amend on three readings the future land use map for Tract 72 (6401 Williamette Drive) to Civic was approved on Council Member Leffingwell's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.

The motion to close the public hearing and amend on three readings the future land use map for Tract 88 (2006 Greenbrook Parkway; 5408 Westminster Drive) to Civic was approved on Council Member Leffingwell's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.

The motion to close the public hearing and amend on three readings the future land use map for Tract 51 (2120-2128 Gaston Place, 6104-6114 North Hampton Drive) to Mixed Use was approved on Council Member McCracken's motion, Mayor Pro Tem Dunkerley's second on a 6-1 vote. Council Member Kim voted nay.

The motion to close the public hearing and amend on three readings the future land use map for Tract 6 (1106 Clayton Lane) to Office Mixed Use was approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 7-0 vote.

The motion to close the public hearing and amend on three readings the future land use map for Tract 22 (1222 Boadmoor) to Civic was approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 7-0 vote.

The motion to close the public hearing and amend on three readings the future land use map for Tract 35 (5101 Lancaster Court, 1302, 1304, 1308, 1310, 1314 East 51<sup>st</sup> Street) to Mixed Use was approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 7-0 vote.

The motion to close the public hearing and amend on three readings the future land use map for Tract 44 (5801 Westminister Drive) to Mixed Use was approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 7-0 vote.

The motion to close the public hearing and amend on three readings the future land use map for Tract 48 (2157 Gaston Place) to Mixed Use was approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 7-0 vote.

The motion to close the public hearing and amend on three readings the future land use map for Tract 49 (Lot 27 Block T Royal Oak Estates Section 3A) to Mixed Use was approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 7-0 vote.

The motion to close the public hearing and amend on three readings the future land use map for Tract 50 (2300 Wheless Lane) to Mixed Use was approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 7-0 vote.

The motion to close the public hearing and amend on three readings the future land use map for Tract 55 (1804-1814 Briarcliff Boulevard (even numbers), 1905-1909 Wheless Lane (odd numbers); CS-1 footprint on Lot 2 of Resubdivision of Block B of Gaston Place subdivision) to Mixed Use was approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 7-0 vote.

The motion to close the public hearing and amend on three readings the future land use map for Tract 79 (5812 Manor Road) to Mixed Use was approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 7-0 vote.

The motion to close the public hearing and amend on three readings the future land use map for Tract 89 (5800-5816 Berkman Drive even numbers) to Office Mixed Use was approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 7-0 vote.

The motion to close the public hearing and amend on three readings the future land use map for Tract 92 (2400 Wheless Lane) to Mixed Use was approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 7-0 vote.

The motion to close the public hearing and amend on three readings the future land use map for Tract 54 ( 5800 Manor Road) to Mixed Use was approved on Mayor Pro Tem Dunkerley's motion, Council Member Kim's second on a 7-0 vote.

The motion to close the public hearing and amend on three readings the future land use map for Tract 63 (6600, 6516, 6510 Berkman Drive 1620 Wheless Lane) to Mixed Use was approved on Mayor Pro Tem Dunkerley's motion, Council Member Kim's second on a 7-0 vote.

The motion to close the public hearing and amend on three readings the future land use map for Tract 37 (1400, 1404 East 51<sup>st</sup> Street) to Mixed Use was approved on Council Member Kim's motion, Council Member McCracken's second on a 7-0 vote.

The motion to close the public hearing and amend on three readings the future land use map for Tract 202 (7540, 7650 Ed Bluestein Boulevard) to Civic was approved on Council Member McCracken's motion, Council Member Kim's second on a 7-0 vote.

A motion to reconsider Tract 202 was approved on Council Member Leffingwell's motion, Council Member McCracken's second on a 7-0 vote.

The motion to postpone action on Tract 202 (7540, 7650 Ed Bluestein Boulevard) to August 23, 2007 was approved on Council Member Leffingwell's motion, Council Member McCracken's second on a 7-0 vote.

56. C14-2007-0006 - University Hills Neighborhood Plan Combining District - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property bounded by Hwy 290 & Hwy 183 to the north, Hwy 183 to the east, Manor Road to the south, and Northeast Drive to the West (726 acres). The proposed zoning change will create the University Hills Neighborhood Plan Combining District (NPCD) and implement the land use recommendations of the University Hills / Windsor Park Combined Neighborhood Plan for a total of 20 tracts (152 acres). Under the proposed University Hills NPCD, "Impervious Cover and Parking Placement Restrictions," and "Garage Placement for New Single-Family construction" are proposed for the entire area. The Neighborhood Urban Center special use is proposed for Tract 208. The Residential Infill special use is proposed for Tract 220. The Planning Commission may recommend and the City Council may approve a zoning change to any of the following: Single Family Standard Lot (SF-2); Family Residence (SF-3); Townhouse & Condominium Residence (SF-6); Multi-Family Residence - Limited Density (MF-1); Multi-family Residence - Low Density (MF-2); Multi-family Residence - Medium Density (MF-3); Multi-family Residence - Moderate-High Density (MF-4); Neighborhood Office (NO); Limited Office (LO); General Office (GO); Neighborhood Commercial (LR); Community Commercial (GR); Commercial Services (CS); Commercial-Liquor Sales (CS-1); Limited Industrial Services (LI) and Public (P). A Conditional Overlay (CO), Mixed Use Combining District Overlay (MU); or Neighborhood Plan Special Use (NP) may also be added to these zoning base districts. Applicant and Agent: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Robert Heil, 974-2330; Adrienne Domas, 974-6355.

The public hearing was closed and Ordinance No. 20070809-056 adopting the garage placement and impervious cover/parking placement design tools, and rezoning of the tracts as recommended by staff, the zoning committee for the University Hills neighborhood, and the Planning Commission, with the exception of the following tracts: 202, 210, 211, 213, 215, 220, 220a, and 222 was approved on Council Member McCracken's motion, Council Member Cole's second on a 6-0 vote. Council Member Leffingwell was off the dais.

Tract 202 was reconsidered later in the meeting.

The motion to close the public hearing and approve on first reading the rezoning of Tract 210 (2.828 Acre Tract of ABS 258 SUR 26 Tannehill JC; 4.798 Acre Tract of ABS SUR 29 Tannehill JC) to LR-MU-CO-NP was approved on Council Member Martinez' motion, Council Member Kim's second on a 7-0 vote.

The motion to close the public hearing and approve on three readings the rezoning of Tract 211 (10.369 Acre Tract of ABS 22 SUR 29 Tannehill JC; Lot 1B of the Bluffs at University Hills Resubdivision of Lot 1, Block B) to SF-6-NP was approved on Council Member McCracken's motion, Council Member Cole's second on a 7-0 vote.

The motion to close the public hearing and approve on three readings the rezoning of Tract 222 (approximately a 600 foot by 600 foot' portion of the 10.369 acre tract of ABS 22 SUR 29 Tannehill JC) to LR-CO-NP was approved on Council Member McCracken's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.

The motion to close the public hearing and approve on three readings the rezoning of Tract 213 (4720 Loyola Lane) to GR-MU-CO-NP was approved on Council Member Kim's motion, Council Member McCracken's second on a 7-0 vote.

The motion to close the public hearing and approve on three readings the rezoning of Tract 215 at (4701 Loyola Lane) to GR-MU-CO-NP was approved on Council Member Kim's motion, Council Member McCracken's second on a 6-1 vote. Council Member Martinez voted nay.

The motion to postpone action on Tract 220 (5301 Loyola Lane) to August 23, 2007 was approved on Mayor Pro Tem Dunkerley's motion, Council Member Leffingwell's second on a 7-0 vote.

The motion to postpone action on Tract 220a (a 976 foot by 367 foot portion of 5301 Loyola Lane) to August 23, 2007 was approved on Mayor Pro Tem Dunkerley's motion, Council Member Leffingwell's second on a 7-0 vote.

The motion to close the public hearing and amend on three readings the rezoning of Tract 202 (7540, 7650 Ed Bluestein Boulevard) to LO-MU-NP was approved on Council Member McCracken's motion, Council Member Kim's second on a 7-0 vote.

A motion to reconsider Tract 202 was approved on Council Member Leffingwell's motion, Council Member McCracken's second on a 7-0 vote.

The motion to postpone action on Tract 202 (7540, 7650 Ed Bluestein Boulevard) to August 23, 2007 was approved on Council Member Leffingwell's motion, Council Member McCracken's second on a 7-0 vote.

57. C14-2007-0007 - Windsor Park Neighborhood Plan Combining District - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property bounded by bounded by I-35 to the west, Hwy 290 to the north, Northeast Drive to the east, Manor Road & E. 51st Street to the South (1526 acres). The proposed zoning change will create the Windsor Park Neighborhood Plan Combining District (NPCD) and implement the land use recommendations of the University Hills / Windsor Park Combined Neighborhood Plan for a total of 97 tracts (285 acres). Under the proposed Windsor Park NPCD, "Small Lot Amnesty," "Secondary Apartment," "Impervious Cover and Parking Placement Restrictions," and "Front Porch Setback" are proposed for the entire area. The Neighborhood Urban Center special use is proposed for Tract 17, 20, 42. The Planning Commission may recommend and the City Council may approve a zoning change to any of the following: Family Residence (SF-3); Townhouse & Condominium Residence (SF-6); Multi-Family Residence - Limited Density (MF-1); Multi-family Residence - Low Density (MF-2); Multi-family Residence - Medium Density (MF-3); Multi-family Residence - Moderate-High Density (MF-4); Neighborhood Office (NO); Limited Office (LO); General Office (GO); Neighborhood Commercial (LR); Community Commercial (GR); Commercial Services (CS); Commercial-Liquor Sales (CS-1); Limited Industrial Services (LI) and Public (P). A Conditional Overlay (CO), Mixed Use Combining District Overlay (MU); or Neighborhood Plan Special Use (NP) may also be added to these zoning base districts. Applicant and Agent: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Robert Heil, 974-2330; Adrienne Domas, 974-6355.

The public hearing was closed and Ordinance No. 20070809-057 to approve the small lot amnesty infill option and the proposed rezonings in the Windsor Park neighborhood planning area, as recommended by Planning Commission, staff, the zoning committee for the Windsor Park neighborhood planning area, and Responsible Growth for Windsor Park, except for the following tracts: 6, 16, 22, 29, 30, 32-37, 44, 48-50, 54, 55, 57-61, 63, 67, 72, 79, 84, 87, 88, 89, 91, and 92 was approved on Council Member Cole's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.

The motion to close the public hearing and approve on three readings the rezoning of Tract 16 (1200 Ridgehaven Drive, 5701 Cameron Road) to LO-MU-NP was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

The motion to close the public hearing and approve on three readings the rezoning of Tract 29 (1207 East 52<sup>nd</sup> Street) to MF-2-NP was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

The motion to close the public hearing and approve on three readings the rezoning of Tract 30 (1306-1312 East 52<sup>nd</sup> Street (even numbers)) to SF-6-CO-NP was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

The motion to close the public hearing and approve on three readings the rezoning of Tract 33 (5106 – 5114 Lancaster Court (even numbers)) to NO-MU-NP was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

The motion to close the public hearing and approve on three readings the rezoning of Tract 34 (5105-5111 Lancaster Court (odd numbers)) to NO-MU-NP was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

The motion to approve on three readings the rezoning of Tract 36 (1316 East 51<sup>st</sup> Street) to LO-MU-NP was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

The motion to close the public hearing and approve on three readings the rezoning of Tract 58 (1712 Wheless Lane) to SF-6-NP was approved on Council Member Martinez' motion, Council member Leffingwell's second on a 7-0 vote.

The motion to close the public hearing and approve on three readings the rezoning of Tract 59 (6207 Berkman Drive) to SF-6-NP was approved on Council Member Martinez' motion, Council member Leffingwell's second on a 7-0 vote.

The motion to close the public hearing and approve on three readings the rezoning of Tract 60 (6305, 6309 Berkman Drive) to SF-6-NP was approved on Council Member Martinez' motion, Council member Leffingwell's second on a 7-0 vote.

The motion to close the public hearing and approve on three readings the rezoning of Tract 61 (6405, 6409, 6501 Berkman Drive) to SF-6-NP was approved on Council Member Martinez' motion, Council member Leffingwell's second on a 7-0 vote.

The motion to close the public hearing and amend on three readings the rezoning of Tract 67 (1806 Patton Lane) to SF-3-NP was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

The motion to close the public hearing and approve on three readings the rezoning of Tract 87 (2201-2213 Old Manor Road (odd numbers)) to LR-MU-NP was approved on Council Member Martinez' motion, Council member Leffingwell's second on a 7-0 vote.

The motion to close the public hearing and approve on three readings the rezoning of Tract 91 (5807 Coventry Lane) to SF-6-NP was approved on Council Member Martinez' motion, Council member Leffingwell's second on a 7-0 vote.

The motion to close the public hearing and approve on three readings the rezoning of Tract 32 (Lot 2A of a Resubdivision of Lot 2 of a Resubdivision of Lots 3 and 4 of Ridgeway Gardens, 1200 East 51<sup>st</sup> Street, 1200-1218 East 51<sup>st</sup> Street (even numbers)) to GR-MU-CO-NP was approved on Council Martinez' motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.

The motion to close the public hearing and approve on three readings the rezoning of Tract 84 (2500-2507 Manor Circle) to MF-3-NP was approved on Council Martinez' motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.

The motion to close the public hearing and approve on three readings the rezoning of Tract 57 (1701 and 1711 Wheless Lane, 1718 Briarcliff Boulevard) to P-NP was approved on Council Member Leffingwell's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.

The motion to close the public hearing and approve on three readings the rezoning of Tract 72 (6401 Willamette Drive) to P-NP was approved on Council Member Leffingwell's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.

The motion to close the public hearing and approve on three readings the rezoning of Tract 88 (2006 Greenbrook Parkway, 5408 Westminster Drive) to P-NP was approved on Council Member Leffingwell's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.

The motion to close the public hearing and approve on three readings the rezoning of Tract 51 (2120-2128 Gaston Place, 6104-6114 North Hampton Drive) to GR-MU-CO-NP was approved on Council Member McCracken's motion, Mayor Pro Tem Dunkerley's second on a 6-1 vote. Council Member Kim voted nay.

The motion to close the public hearing and approve on three readings the rezoning of Tract 6 (1106 Clayton Lane) to GO-MU-NP was approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 7-0 vote.

The motion to close the public hearing and approve on three readings the rezoning of Tract 22 (1222 Boadmoor) to GR-MU-CO-NP was approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 7-0 vote.

The motion to close the public hearing and approve on three readings the rezoning of Tract 35 (5101 Lancaster Court, 1302, 1304, 1308, 1310, 1314 East 51<sup>st</sup> Street) to GR-MU-CO-NP was approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 7-0 vote.

The motion to close the public hearing and approve on three readings the rezoning of Tract 44 (5801 Westminster Drive) to GR-MU-CO-NP was approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 7-0 vote.

The motion to close the public hearing and approve on three readings the rezoning of Tract 48 (2157 Gaston Place) to GR-MU-CO-NP was approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 7-0 vote.

The motion to close the public hearing and approve on three readings the rezoning of Tract 49 (Lot 27 Block T Royal Oak Estates Section 3A) to GR-MU-CO-NP was approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 7-0 vote.

The motion to close the public hearing and approve on three readings the rezoning of Tract 50 (2300 Wheless Lane) to GR-MU-CO-NP was approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 7-0 vote.

The motion to close the public hearing and approve on three readings the rezoning of Tract 55 (1804-1814 Briarcliff Boulevard (even numbers), 1905-1909 Wheless Lane (odd numbers); CS-1 footprint on Lot 2 of Resubdivision of Block B of Gaston Place subdivision) to GR-MU-CO-NP was approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 7-0 vote.

The motion to close the public hearing and approve on three readings the rezoning of Tract 79 (5812 Manor Road) to CS-MU-CO-NP was approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 7-0 vote.

The motion to close the public hearing and approve on three readings the rezoning of Tract 89 (5800-5816 Berkman Drive even numbers) to LO-MU-CO-NP was approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 7-0 vote.

The motion to close the public hearing and approve on three readings the rezoning of Tract 92 (2400 Wheless Lane) to GR-MU-CO-NP was approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 7-0 vote.

The motion to close the public hearing and approve on three readings the rezoning of Tract 54 (5800 Manor Road) to LR-MU-CO-NP was approved on Mayor Pro Tem Dunkerley's motion, Council Member Kim's second on a 7-0 vote.

The motion to close the public hearing and approve on three readings the rezoning of Tract 63 (6600, 6516, 6510 Berkman Drive, 1620 Wheless Lane) to LR-MU-CO-NP was approved on Mayor Pro Tem Dunkerley's motion, Council Member Kim's second on a 7-0 vote.

The motion to close the public hearing and approve on three readings the rezoning of Tract 37 (1400, 1404, East 51<sup>st</sup> Street) to GR-MU-CO-NP was approved on Council Member Kim's motion, Council Member McCracken's second on a 7-0 vote.

The motion to add the Secondary Apartment Infill Option to the Windsor Park Neighborhood Plan was approved on Mayor Pro Tem Dunkerley's motion, Council Member McCracken's second on a 7-0 vote.

The motion to add the Front Porch Setback and Impervious Cover and Parking Placement Design Tools to the Windsor Park Neighborhood Plan was approved on Council Member McCracken's motion, Council Member Cole's second on a 7-0 vote.

58. Conduct a public hearing and approve an ordinance amending Chapter 25-2, Subchapter E, Article 5, of the Land Development Code (Design Standards & Mixed Use) to add roadway segments in the University Hills/Windsor Park Combined Neighborhood Planning Area to the list of Core Transit Corridors. Reviewed by Planning Commission.

The public hearing was closed and Ordinance No. 20070809-058 was approved to amend Article 5 and Figure 1 of Subchapter E of the Land Development Code to add Cameron Road (from 51<sup>st</sup> Street to Highway 290), 51<sup>st</sup> Street (from Cameron Road to Manor Road), Briarcliff (from Berkman Drive to Westminister) and Gaston Place (from Westminister to Wellington) to the list of Core Transit Corridors on Council Member McCracken's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.

59. Conduct a public hearing to receive public comment on the City of Austin Fiscal Year 2007-2008 Proposed Budget for the Community Services Departments, including the Parks and Recreation

Department; the Library Department; the Health and Human Services Department; the Neighborhood Housing and Community Development Department; and, the Solid Waste Services Department.

The public hearing was closed on Council Member McCracken's motion, Council Member Martinez' second on a 7-0 vote.

37. Approve a resolution directing the City Manager to bring forward an ordinance establishing a property damage fund within Austin Water Utility to reimburse Austin Water Utility customers who experience water or wastewater damage caused by Austin Water Utility or other City of Austin infrastructure or personnel. (Council Member Brewster McCracken Mayor Will Wynn Council Member Jennifer Kim)  
Resolution No.20070809-037 was approved with the additional clarification that it is limited to customers of the Austin Water Utility on Council Member McCracken's motion, Council Member Kim's second on a 5-2 vote with Mayor Pro Tem Dunkerley and Council Member Leffingwell voting nay. Those voting aye were: Mayor Wynn, Council Members Cole, Kim, Martinez, and McCracken. Those voting nay were: Mayor Pro Tem Dunkerley and Council Member Leffingwell.

Mayor Wynn adjourned the meeting at 11:55 p.m. without objection.

The minutes for the Regular Meeting of August 9, 2007 were approved on this the 23rd day of August, 2007 on Mayor Pro Tem Dunkerley's motion, Council Member Cole's second on a 7-0 vote.